

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

FILE: B-208004

DATE: July 6, 1982

MATTER OF: Northern Carolina Development Corporation

DIGEST:

GAO will not consider protest questioning offeror's small business status because the Small Business Administration is vested with the authority to conclusively determine size status.

Northern Carolina Development Corporation protests any award by the Defense Logistics Agency to Green Briar Industries under solicitation No. DLA100-82-B-0540, a small business set-aside. The protester alleges that Green Briar is not a small business.

Under 15 U.S.C. § 637(b)(6) (1976), the Small Business Administration (SBA) is empowered to conclusively determine matters of small business size status for Federal procurement and sales purposes. Therefore, our Office has no authority to consider a size status protest. See Oscar Holmes and Sons, B-206500, March 2, 1982, 82-1 CPD 188. Rather, under the regulations, such protests are to be filed with the contracting officer within 5 days of bid opening, for referral to the SBA for resolution. Defense Acquisition Regulation § 1-703(b)(1) (Defense Acquisition Circular No. 76-19, July 27, 1979).

Accordingly, the protest is dismissed.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel